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THE ACTS

PASSED BY THE

LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

IN THE YEAR 1886.

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TITLES OF THE ACTS

PASSED BY THE

LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

IN

THE YEAR 1886.

Act No. I.—An Act to further amend the Village Chaukidari Act, 1870.

„ II.—An Act to amend Act II (B.C.) of 1866 and the Calcutta Police Act, 1866.

„ III.—An Act to amend Act IV (B.C.) of 1876 and Act III (B.C.) of 1884.

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IN THE

YEAR 1886.

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Reg. No. 1998G—2,000—5-5-87.

LEGAL SECRETARIAT LIBRARY

ACT No. I OF 1886.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL

(Received the assent of the Lieutenant-Governor on the 10th April 1886, and of the Governor-General on the 24th May 1886.)

An Act to further amend the Village Chaukidari Act, 1870.

WHEREAS it is expedient to further amend the Village Chaukidari Act, 1870: It is enacted as follows:— Preamble.

PRELIMINARY.

1. This Act shall be read with, and taken as part of, Bengal Act VI of 1870 as amended by Bengal Act I of 1871. Extent.

And it shall come into force in all districts to which Bengal Act VI of 1870 as amended by Bengal Act I of 1871 has been extended from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General. Commencement.

New section substituted for section 3.

2. For section 3 the following shall be substituted:—

"3. It shall be lawful for the Magistrate of the district, by a writing under his hand, to appoint not less than three nor more than five persons to be a panchayát in any village containing more than sixty houses, within the district of which he has charge: Power to appoint panchayát in villages.

"Provided that no such panchayát shall be appointed in any place to which the Bengal Municipal Act, 1884, has been, or may hereafter be, extended:

"Provided also that no panchayát shall be appointed in any village until some officer exercising magisterial powers shall, in

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personal communication with the villagers, have explained to them the duties of a panchayát, and shall have ascertained on the spot, by any means he thinks best to employ, the persons who, by reason of their local influence, in the opinion of the villagers, or for special reasons to be recorded by such magisterial officer, are most proper to be appointed members of the panchayát:

"Provided also that in every village to which this Act has already been extended the Magistrate shall, as soon as may be, ascertain, in the manner hereinbefore provided, the persons most proper to be appointed as members of the panchayát, and shall appoint them accordingly."

New section substituted for section 6.

3. For section 6 the following shall be substituted:—

"6. Whenever any member of a panchayát shall die or cease to be a member of such panchayát, the Magistrate shall, by a writing under his hand, call on the remaining members of the panchayát to nominate within thirty days a fit and proper person to be appointed as member of the panchayát in the room of such member so dying or ceasing to be a member, and the Magistrate shall, unless he considers such nomination improper, appoint the person so nominated to be a member of the panchayát:

Succession of member of panchayát.

"Provided that if no person shall have been so nominated, or if in the opinion of the Magistrate the person nominated is, for reasons to be recorded by him in writing, unfit to be appointed a member of the panchayát, the Magistrate shall appoint a fit and proper person to be a member of the panchayát."

4. In section 8 for the words "fifteen days" shall be substituted the words "thirty days," and for the words "two years," shall be substituted the words "three years."

Amendment of section 8.

New section substituted for section 9.

5. For section 9 the following shall be substituted:—

"9. Every member of a panchayát appointed under section three shall be appointed for the term of three years. Every member of a panchayát

Period for which panchayát to be appointed.

appointed under section six shall be appointed only for a term equal to the unexpired portion of the term for which the member whom he succeeds was appointed."

New sections to follow section 9.

6. After section 9 the following shall be inserted :—

"9A. No member of a panchayát, after the expiry of his term of office, shall be again appointed a member of a panchayát, without his consent, till after the lapse of three years.

Exemption from serving on panchayát.

"9B. On the expiry of the term for which the members of a panchayát were appointed, the Magistrate shall appoint a new panchayát in the manner prescribed in section three, the outgoing panchayát continuing to exercise all the functions of a panchayát until such new panchayát has been appointed."

Appointment of fresh panchayát.

7. In section 22, for the words "six per cent." shall be substituted the words "ten per cent."

Amendment of section 22.

8. To section 39 the following shall be added :—

Amendment of section 39

"8*th*. He shall assist the collecting member of the panchayát in collecting the chaukidari assessment."

9. In section 41 after the words "such member shall himself report the same" and before the words "to such officer" shall be inserted the following :—

Amendment of section 41

"or cause the same to be reported."

10. For section 43 the following shall be substituted :—

New section substituted for section 43.

"43. Every chaukidar shall receive, quarter by quarter, the full amount of his salary from such officer ~~or person as the Magistrate shall appoint.~~"

Mode of paying chaukidars

11. For section 44 the following shall be substituted :—

New section substituted for section 44.

"44. Within thirty days after the end of each quarter, every panchayát shall pay or remit to such officer or person ~~as the Magistrate may appoint~~ under the last foregoing section a sum equal

Panchayát to pay or remit quarterly amounts for payment of chaukidars, &c.

to the pay of the chaukidar for the quarter, or any smaller amount which may stand to the credit of the Chaukidari Fund of the village."

Amendment of section 45.

12. In section 45 for the words "shall issue his warrant" shall be substituted the words "may issue his warrant," and at the end of the section the following shall be added :—

"An application for the appointment of a tehsildar under section 46A shall not of itself be deemed a sufficient step to realize from defaulters the arrears due from them."

Now sections to follow section 46.

13. After section 46 the following shall be inserted :—

Appointment of tehsildar at request of panchayát.

"46A. The Magistrate may at any time, on the application of the panchayát of any village, appoint a tehsildar in such village to assist the collecting member of such panchayát, and such tehsildar shall exercise all the powers vested in the panchayát for the collection of the chaukidari assessment, and the Magistrate shall, on a like application, revoke such appointment.

Remuneration of tehsildar.

"46B. Every tehsildar appointed under the last foregoing section shall be remunerated at such rate and in such manner, as the Magistrate may, from time to time, with the sanction of the Commissioner of the Division, prescribe; and such remuneration shall be levied from those who have failed to pay their chaukidari assessments in the same manner and in the same proportion as the chaukidari assessment:

"Provided that one tehsildar may, in the discretion of the Magistrate, be appointed for more than one village."

W. J.—Reg. No. 2626G—2,000—7-6-86.

ACT No. II OF 1886.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 29th March* 1886, *and of the Governor-General on the 28th May* 1886.)

An Act to amend Act II (B.C.) of 1866, *and the Calcutta Police Act*, 1866.

Preamble.

WHEREAS it is expedient to amend Bengal Act II of 1866 and the Calcutta Police Act, 1866: It is enacted as follows:—

Commencement of Act.

1. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

New section substituted for section 41, Act II (B.C.) of 1866, and section 68, Act IV (B.C.) of 1866.

2. For section 41 of Bengal Act II of 1866, and for section 68 of the Calcutta Police Act, 1866, the following shall be substituted:—

Penalty for drunkenness, or riotous or indecent behaviour, in public.

"Whoever is found drunk and is incapable of taking care of himself, or is guilty of any riotous or indecent behaviour, in any public street or thoroughfare, or in any place of public amusement or resort, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding twenty rupees, or to imprisonment, with or without hard labour, for a term not exceeding eight days."

New section to follow section 68 of Act IV (B.C.) of 1866.

3. After section 68 of the said Calcutta Police Act the following shall be added:—

Penalty for committing a nuisance in streets.

"68A. Whoever wilfully and indecently exposes his person, or commits a nuisance, by easing himself in, or by the side of, or near to, any public street or thoroughfare or place, shall be liable, on

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summary conviction before a Magistrate, to a fine not exceeding ten rupees, or, in default thereof, to imprisonment, with or without hard labour, for a term not exceeding three days."

Amendment of section 72 of Act IV (B.C.) of 1866.

4. After section 72 of the said Calcutta Police Act the following words shall be added :—

"if the name and address of such person be unknown to such police officer, and cannot be ascertained by him then and there."

A. deS.—Reg. No. 3127G—2,000—23-6-86.

ACT No III of 1886.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(*Received the assent of the Lieutenant-Governor on the 21th September* 1886, *and of the Governor-General on the 1st October* 1886.)

An Act to amend Act IV (*B.C.*) *of* 1876 *and Act III* (*B.C.*) *of* 1884.

WHEREAS it is expedient to amend Bengal Act IV of 1876 and Bengal Act III of 1884: It is enacted as follows:—

Preamble.

1. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Commencement of Act.

2. For section 292 of Bengal Act IV of 1876, and section 251 of Bengal Act III of 1884, the following shall be substituted:—

Now section for sections 292 of Bengal Act IV of 1876, and 251 of Bengal Act III of 1884.

"No person shall sell to the prejudice of the purchaser any article of food which is not of the nature, substance or quality of the article demanded by such purchaser under a penalty not exceeding one hundred rupees: Provided that an offence shall not be deemed to be committed under this section in the following cases, that is to say—

Prohibition of the sale of articles of food not of the proper nature, substance or quality.

(1) Where any matter or ingredient not injurious to health has been added to the food, because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food, or conceal the inferior quality thereof;

(2) Where the food is unavoidably mixed with some extraneous matter in the process of collection or preparation."

The term "food" shall include every article used for food or drink by man other than drugs or water.

In any prosecution under this section, it shall be no defence to allege that the purchaser, having bought only for analysis, was not prejudiced by the sale.

New sections to follow sections 292 of Bengal Act IV of 1876, and 251 of Bengal Act III of 1884.

3. After section 292 of Bengal Act IV of 1876, and after section 251 of Bengal Act III of 1884, the following sections shall be inserted :—

No proceedings to be had without leave of the Commissioners.

"A. No proceedings shall be instituted under the last preceding section without the order or consent of the Commissioners."

Power of Commissioners to enter and inspect markets, shops, &c, and to seize unwholesome articles exposed for sale.

"B. The Commissioners, or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any market, building, shop, stall or place used for the sale or storage of articles intended for food, or as a slaughter-house, and may examine any such articles which may be therein, and if, upon examination, such articles, or any of them, appear to be unfit for food, may seize the same."

Power to destroy unwholesome articles

"C. Upon the seizure of any article of food under the last preceding section, the same may, if the owner or the person in whose possession the same is found consents, be forthwith destroyed or so disposed of as to prevent it being used as food, but if the owner or the person in whose possession the same is found do not consent, then, if it appear to a Magistrate upon sufficient evidence that the same is unfit for food, he shall order the same to be destroyed or so disposed of as to prevent it being used as food, and may impose a penalty not exceeding one hundred rupees upon the owner or person in whose possession the same was found, such person not being merely a carrier or bailee thereof."

"D. If the Commissioners, or any person authorized by them in that behalf, shall apply to purchase any article of food exposed to sale, and shall tender the price for a quantity not more than shall be reasonably requisite for the purpose of analysis, and the person exposing the same for sale shall refuse to sell the same, such person shall be liable to a penalty not exceeding fifty rupees.

Person refusing to sell any article to Commissioners liable to penalty.

Reg. No. 8048G—2,500—15-10-86.